

- C5
cont
- a. a first protein, or protein domain, with anti-pathogenic activity, wherein said first protein or protein domain comprises Oc-IAD86 or Oc-I;
 - b. a linker peptide comprising an amino acid sequence characterized by at least one of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:11; and
 - c. a second protein, or protein domain, with anti-pathogenic activity, wherein said second protein or protein domain comprises CpTI.

C6

21. (Amended) The DNA according to claim 13, wherein said first protein or protein domain comprises Oc-IAD86 or Oc-I.

Please add new claim 24.

C5X

24. (New) The DNA according to claim 13, wherein said linker peptide comprises at least one of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:11.

REMARKS

This Supplemental Amendment includes some amendments to the claims to correct inadvertent errors and omissions and to more clearly define that which is regarded as the invention and the addition of new claim 24. Entry of the amendments is respectfully requested. With entry of this Supplemental Amendment and the Amendment of October 9, 2002, claims 1-2, 4-8, 13, 14, 16, and 18-24 are pending. The amendments set forth in these two submissions make it clear that, for the purposes of the instant application, Applicants' claimed invention relates to methods of improving nematode resistance or tolerance in plants. The amendments were made solely to expedite prosecution and allowance of this application, and, as is evidenced by Applicants responses to the rejections as applied to the claims as they stood at the time of the Office Action and as amended, should not be construed as acquiescence to the rejections set forth in the Office Action of July 10, 2002. Applicants reserve the right to pursue unclaimed subject matter in a further divisional application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached marked-up pages are captioned "**Version With**

Markings To Show Changes Made". The current "**Version With Markings To Show Changes Made**" corrects the previous mis-numbering of Claim 2 as Claim 9 and properly indicates all of the text that has been added by amendment to Claims 1, 2, and 13.

Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Marcia R. Morton
Attorney for Applicants
Registration No. 46,942

Syngenta Biotechnology, Inc.
Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257
Tel.: 919-541-8566

Date: November 12, 2002

Version With Markings To Show Changes Made

In the Claims

Claim 24 has been added.

Claims 1-2, 4-5, 13, 18 and 21 have been amended as follows:

1. (Amended) A method of improving nematode resistance or tolerance in a plant and its descendant [plants] plants, comprising:

integrating into the genome of said plant DNA molecule encoding a fusion protein, wherein said fusion protein comprises:

(d) a first protein, or protein domain, with anti-pathogenic activity;

(e) a linker peptide; and

(f) a second protein, or protein domain, with anti-pathogenic activity;

wherein at least one of [the proteins or protein domains with antipathogenic activity] said first protein or protein domain and said second protein or protein domain has proteinase inhibitor activity.

2. (Amended) The method according to claim 1, wherein said fusion protein further comprises at least one additional protein or protein domain [proteins or protein domains with anti-pathogenic activity are] fused by at least one additional linker peptide to at least one of said first protein or protein domain, said linker peptide, and said second protein or protein domain [to the fusion protein by linker peptides].

4. (Amended) The method according to [claim 3] claim 1, wherein at least one of said first protein or protein domain and said second protein or protein domain comprises one of Oc-I and Oc-IAD86.

5. (Amended) The method according to [claim 3] claim 1, wherein at least one of said first protein or protein domain and said second protein or protein domain comprises CpTI.

13. (Amended) An isolated DNA molecule encoding a fusion protein, wherein said fusion protein comprises:

- (a) a first protein, or protein domain, with anti-pathogenic activity;
- (b) a linker peptide; and
- (c) a second protein, or protein domain, with anti-pathogenic activity[, wherein at least one of the proteins or protein domains with antipathogenic activity has proteinase inhibitor activity];

wherein at least one of said first protein or protein domain and said second protein or protein domain has proteinase inhibitor activity

18. (Amended) A method of improving resistance or tolerance in a plant and its descendant plants to a nematode, comprising:

integrating into a genome of a plant a DNA molecule encoding a fusion protein, wherein said fusion protein comprises:

- (a) a first protein, or protein domain, with anti-pathogenic activity, wherein said first protein or protein domain comprises Oc-IAD86 or Oc-I;
- (b) a linker peptide comprising an amino acid sequence characterized by at least one of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:11; and
- (c) a second protein, or protein domain, with anti-pathogenic activity, wherein said second protein or protein domain comprises CpTI.

21. (Amended) The DNA according to claim 13, wherein said first protein or protein domain comprises Oc-IAD86 or Oc-I.